

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation*, MDL 2817

No. 1:18-CV-864

This document relates to:

Hon. Robert M. Dow, Jr.

ALL PENDING CASES

Magistrate Judge Jeffrey T. Gilbert

**DEFENDANTS' MOTION FOR LEAVE
TO FILE *INSTANTER* A BRIEF IN EXCESS OF FIFTEEN PAGES**

Pursuant to Local Rule 7.1, Defendants The Reynolds and Reynolds Company and CDK Global, LLC hereby file this motion for leave to file the attached 20-page Memorandum of Law in Support of Defendants' Motion to Bar Plaintiffs' New "Initial Conspiracy" Theory ("Memorandum"). In support of this Motion, Defendants respectfully state as follows:

1. On August 26, 2019, Plaintiffs disclosed their opening expert reports. Those reports set out for the first time a new Initial Conspiracy starting in 2013, separate from the alleged 2015 conspiracy that Plaintiffs have maintained since the outset of the litigation. The new Initial Conspiracy is not alleged in any of Plaintiffs' Complaints, was not disclosed to Defendants in the course of fact discovery, and purports to add many tens or hundreds millions of dollars in additional alleged antitrust damages.

2. Defendants have filed a Motion to Bar Plaintiffs' New "Initial Conspiracy" Theory ("Motion to Bar"). The Motion to Bar rests on the new Initial Conspiracy theory disclosed in three expert reports as well as an analysis of the allegations in Plaintiffs' hundred-plus page Complaints. Given the length and complexity of these documents and the fundamental

impact Plaintiffs' "Initial Conspiracy" theory would have on the liability and damages analyses in this MDL, a modest enlargement of the usual 15-page limit for motions briefing is warranted.

3. Defendants' proposed 20-page Memorandum and the exhibits thereto are being filed concurrently with this Motion. The proposed Memorandum is being filed under seal and Defendants will serve Plaintiffs with an unredacted copy by email. Should the Court grant this Motion, Defendants will promptly file a public redacted version of the Memorandum with the Court.

4. For the foregoing reasons, Defendants respectfully request that the Court grant them leave to file *instanter* the proposed Memorandum.

Dated: October 14, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Britt M. Miller, an attorney, hereby certify that on October 14, 2019, I caused a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE *INSTANTER* A BRIEF IN EXCESS OF FIFTEEN PAGES** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

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